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**OSB # 85070**

5 Attorney for Defendant Teddy Mayfield

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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF OREGON

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 TEDDY ERNEST MAYFIELD,

16 Defendant.

Case No. 09-CR-60021-HO

**DEFENDANT'S SENTENCING  
MEMORANDUM**

17  
18 Defendant, TEDDY MAYFIELD, by and through his counsel, Steven L. Myers, hereby  
19 submits this Sentencing Memorandum in conjunction with Mr. Mayfield's sentencing hearing  
20 scheduled for 10:00 a.m. on January 19, 2010.

21 Submitted herewith and incorporated herein by this reference are the following exhibits:

22 Exhibit "A" - 2007 Sheridan Chamber of Commerce Membership Certificate;

23 Exhibit "B" - 2007-2008 Kiwanis Certificate of Appreciation for 35 years of Kiwanis  
24 service;

25 Exhibit "C" - A June 10, 2009 newspaper article featuring the Willamina Children's  
26 Fishing Derby;

1 Exhibit "D" - 2006-2007 Kiwanis Certificate of Appreciation awarded to Mr. Mayfield  
 2 for his involvement in the annual Children's Fishing Derby and Pancake Breakfast;

3 Exhibit "E" - A photograph of a plaque naming Mr. Mayfield Outstanding Citizen of the  
 4 Year in 2002;

5 Exhibit "F" - A copy of the 2009 Sheridan Days literature listing Mr. Mayfield as Vice  
 6 Chairman; and

7 Exhibit "G" - Mr. Mayfield's letter to the Honorable Michael Hogan.

8  
 9 **I. SUMMARY OF MR. MAYFIELD'S HISTORY AND INVOLVEMENT**  
 10 **IN THE INSTANT OFFENSE**

11 Mr. Mayfield is 74 years old. He has been married to Virginia for over five years.  
 12 Virginia is a part-time teacher. In February, 2009, Virginia underwent quadruple heart bypass  
 13 surgery. Mr. Mayfield has one adult daughter and two adult stepchildren. He has 25  
 14 grandchildren and great-grandchildren (all of whom spent last Christmas at Mr. Mayfield's  
 15 residence). Mr. Mayfield has lived at his current residence in Sheridan, Oregon since 1972.

16 Since 1972, Mr. Mayfield's only source of income was derived from aviation related  
 17 endeavors. Primarily, operating a parachute school and storing, restoring and brokering of  
 18 general aviation aircraft. He is now retired and receives Social Security benefits. In 2000, Mr.  
 19 Mayfield had heart surgery and continues to take myriad of medications for his heart and high  
 20 blood pressure conditions.

21 Mr. Mayfield has been recognized for his philanthropy and devotion to improving his  
 22 community. For the past 15 years, Mr. Mayfield has been active in the Sheridan Chamber of  
 23 Commerce, serving as president three separate terms. For the past 35 years, he has been involved  
 24 with the West Valley Kiwanis, serving as president four separate terms. For the last 22 years, he  
 25 has organized the annual Willamina Fishing Derby for local children. He has also been  
 26 instrumental in organizing the Kiwanis' annual Fourth of July Pancake Breakfast, where they

1 serve well over 200 adults and children. Mr. Mayfield donates considerable time annually to the  
 2 Kiwanis' highway cleanup program, which stretches from Willamina to Sheridan. Additionally,  
 3 he has served on the Sheridan City Counsel from 2003-2005. I would also note that while on the  
 4 City Counsel in 2004, he was instrumental in securing a \$7,000 grant for new City signs on the  
 5 East and West entrance to the City. Mr. Mayfield also served as Vice Chairman of the annual  
 6 Sheridan Days in 2009, and as Chairman in 1982. Finally, he was named Sheridan Outstanding  
 7 Citizen of the Year in 2002.

8 Although Mr. Mayfield certainly does not dispute that he piloted the aircraft from Eugene  
 9 to Independence, there are a couple of facts that should be clarified.

10 First, FAA<sup>1</sup> case reports reveal that Mr. Mayfield did contact Eugene ground control, prior  
 11 to taxi, requesting permission to depart with light signals (under certain conditions an approved  
 12 method of establishing contact with ground and tower controllers and securing a clearance to taxi  
 13 and depart - see FAR<sup>2</sup> § 91.125 and AIM<sup>3</sup> § 4-3-13). The aircraft's battery could not power the  
 14 radio. Mr. Mayfield erroneously assumed the tower controller gave him a green light signal,  
 15 thereby clearing him to take off.

16 Second, Regional Counsel for the FAA heretofore has acknowledged that Mr. Mayfield's  
 17 operation of the aircraft on the day in question did not pose a risk to any aircraft, either departing  
 18 or arriving or transitioning the airspace.

19 Third, in reviewing a certified copy of the FAA Airman file pertaining to Mr. Mayfield,  
 20 it is clear that since Mr. Mayfield surrendered his Pilot Certificate in 1982, there have been no  
 21 further FAA regulatory violations involving the operation/flight of aircraft (except the case at  
 22 bar).

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24 <sup>1</sup>Federal Aviation Administration, hereinafter "FAA."

25 <sup>2</sup>Federal Aviation Regulations, hereinafter "FAR."

26 <sup>3</sup>Airman Information Manual, hereinafter "AIM."

## II. PRESENTENCE REPORT

Mr. Mayfield controverts and hereby requests the Court to strike paragraph no. 42 of the PSR referring to a 1987 psychological evaluation. Referencing an **unspecified** “personality disorder” that was ostensibly diagnosed 22+ years ago, is profoundly stale and unreliable information for purposes of a sentencing in the year 2010.

## III. APPLICATION OF U.S.S.G.<sup>4</sup>

The Government, Mr. Mayfield and the PSR<sup>5</sup> arrive at the same adjusted final offense level of 4 and a criminal history category of I, which results in a Guideline range of 0-6 months. Additionally, all parties are in accord that no facts or features attendant to this case or defendant justify a departure or variance from the Guidelines. Finally, the PSR recommendation of a three year probation term is aligned with the defense and Government recommendations. The Government’s recommendation is the low end of the applicable Guideline range (i.e., no incarceration) and the Government does not object to a probationary sentence.

## IV. SENTENCE RECOMMENDATION

The defense, Government and the PSR, after having considered (i) the factors set forth in 18 U.S.C. § 3553(a) and (ii) the advisory Guideline range (0-6 months)<sup>6</sup>, recommends that Mr. Mayfield be sentenced to a three year term of probation and a \$2,000 fine.

It should be noted that counsel to the FAA is also in accord with the recommended probationary sentence and \$2,000 fine.

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<sup>4</sup>United States Sentencing Guidelines Manual, hereinafter “U.S.S.G.” The 2009 version applies to this case.

<sup>5</sup>U.S. Probation Officer Patti Robb’s Presentence Report, herein identified as “PSR.”

<sup>6</sup>The sentencing court may conclude that this sentence is reasonable if it falls within the applicable Guideline range. Gall v. United States, 128 Supp. Ct. 586(2007).

1 Given Mr. Mayfield's contrition, 16+ years of conviction free behavior, and his strict  
 2 compliance with Pretrial Release Conditions in excess of one year, Mr. Mayfield is a good  
 3 candidate for probation.

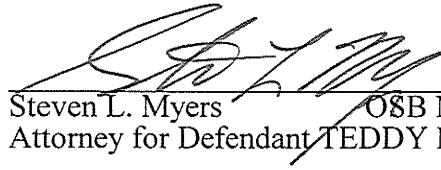
4 Therefore, we respectfully request that the Court accept the terms of the Plea Agreement  
 5 and the recommendation contained in the PSR and impose a three year term of probation and a  
 6 \$2,000 fine.

### 8 **V. ADDITIONAL SENTENCING ISSUES**

9 1. The Government will be moving to dismiss Count 2 of the Indictment at  
 10 sentencing.

11 2. Mr. Mayfield objects to the PSR recommended probation condition that Mr.  
 12 Mayfield not possess or consume alcohol. There does not appear to be any reasonable  
 13 relationship between Mr. Mayfield's historical modest consumption of alcohol and the offense  
 14 of conviction. To be sure, alcohol was not involved in the crime of conviction. Moreover, said  
 15 proposed condition does not appear to bear any reasonable relationship to rehabilitating Mr.  
 16 Mayfield, protecting the public, or providing adequate deterrence. See 18 U.S.C. § 3563(b) and  
 17 18 U.S.C. § 3553(a)(1)&(2); see also U.S. v. Weber, 451 F.3d 552(9th Cir. 2006); U.S. v. Betts,  
 18 511 F.3d 872(9th Cir. 2007) (condition prohibiting consumption of alcohol held unreasonable  
 19 because said condition did not bear a reasonable relationship to either rehabilitating the defendant  
 20 or protecting the public because alcohol did not play a role in the defendant's crime and the  
 21 record did not indicate that the defendant had any historical alcohol abuse).

22  
 23 **RESPECTFULLY SUBMITTED** this 14<sup>th</sup> day of January, 2010.

24  
 25   
 26 Steven L. Myers OSB No. 85070  
 Attorney for Defendant TEDDY MAYFIELD

# Greater Sheridan Chamber of Commerce

*Dedicated to the furtherance of Good Business practices and principles in the Business Community surrounding Sheridan, to the customers of the area and to the development of even greater opportunities for the future business in Sheridan, Oregon and the Western Willamette Valley*

*This certifies that*

*Ted E. Mayfield*

*is a member of the Greater Sheridan  
Chamber of Commerce*

# 2007

*Barbara Baker*

*Barbara Baker, President*

*Pamela Stangel*

*Pamela Stangel, Secretary*

EXHIBIT  
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# Certificate of Appreciation

PRESENTED TO

*Jeff Mayfield*

FOR 35 YEARS OF KIWANIS SERVICE

*Kiwanis Club of*

WEST VALLEY

2007-2008

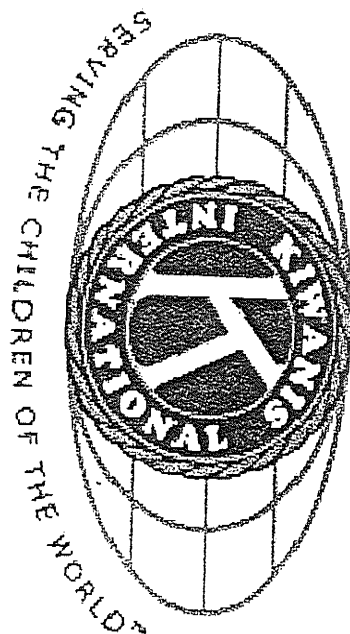


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Wednesday, June 10, 2009, The Sun 3

## Realty ness of the nber dinner

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2010 were also announced at the dinner. A crown and scepter on a red velvet pillow was presented to Lois Purdue, the new president. Vice President will be Dr. Gary Brooks. Returning as Treasurer is Charlyn Pranger. Kim Werby was re-elected as Secretary. Janel Huntley has accepted the position of Second Secretary.

The Chamber of Commerce meets every second, third and fourth, possibly fifth Wednesday of the month at Coyote Joe's. The meetings start at 8 a.m. and are usually adjourned by 9 a.m. All community residents are invited to attend to offer suggestions for ways that the chamber can better serve the community.

## Qs to benefit Habitat

nd older and \$1 For more information, visit  
ID is required. [www.oregonbrewsandbbqs.com](http://www.oregonbrewsandbbqs.com).

## ETA COMMUNITY COLLEGE McMinnville

### our local community college.

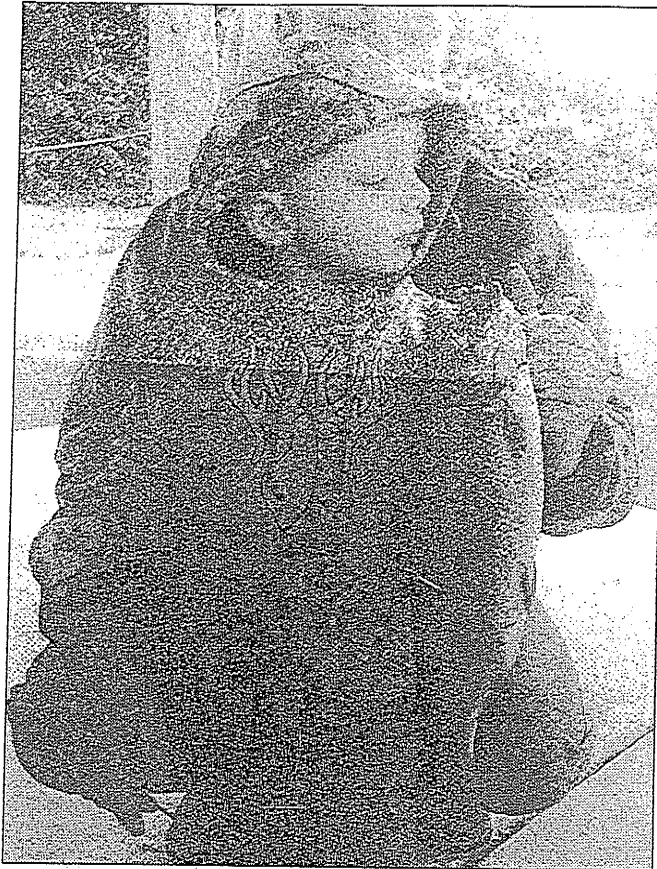
check us out! We offer...  
quality instruction • small class sizes  
flexible courses • affordable tuition

To see all the McMinnville Campus  
has to offer, visit our Web site:  
<http://mcminnville.chemeketa.edu>

Call us for more information  
at 503.472.9482.

Register for summer  
term now.

Classes begin June 22.



Contributed Photo

Hunter Hogan, of McMinnville, holds his 17 9/16-inch fish. He was the overall winner of the "Biggest Fish Caught" at the Willamina Fishing Derby on Saturday. He competed in the 2-4 age bracket.

## The "Big One"

Willamina's fishing derby, held Saturday, was a big success in the fishing and fun department.

Kids competed in four age brackets to see who would catch the biggest fish. Winners in each age group were awarded prizes; a fishing pole and reel for first place, tackle box for second, and a gift bag of hooks, weights, and etc. for the third-place winners.

The winners in each age bracket were:

### Ages 2-4

1st, Hunter Hogan, McMinnville, with a fish of 17 9/16-inch. (This was also the biggest fish caught for all age groups.)

2nd, Noah Woodward,

Willamina.

3rd, NovaLena Hedrick-allen, Grand Ronde.

### Ages 5-7

1st: Jake Hedrickallen, Grand Ronde.

2nd: Twistin, from Shelton.

3rd: Jackson Schoenbachles, Willamina.

### Ages 8-12

1st: Gabrielle Turpin, Sheridan.

2nd: Stephen Bowman, Sheridan.

3rd: Dylon Bass, Sheridan.

### Ages 13-18

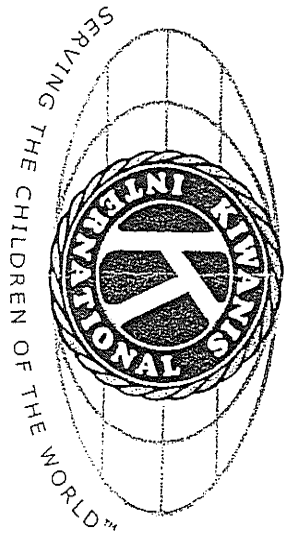
1st place: Wyatt Woodward, Willamina.

The biggest Bluegill, measuring 15 3/4", was caught by Mariah Wood of Willamina.

Man makes arrangements before death

EXHIBIT  
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# Certificate of Appreciation

THIS CERTIFICATE IS AWARDED TO

**Tes Mayfields**

IN APPRECIATION FOR OVERSEEING THE FISHING DERBY & PANCAKE BREAKFAST

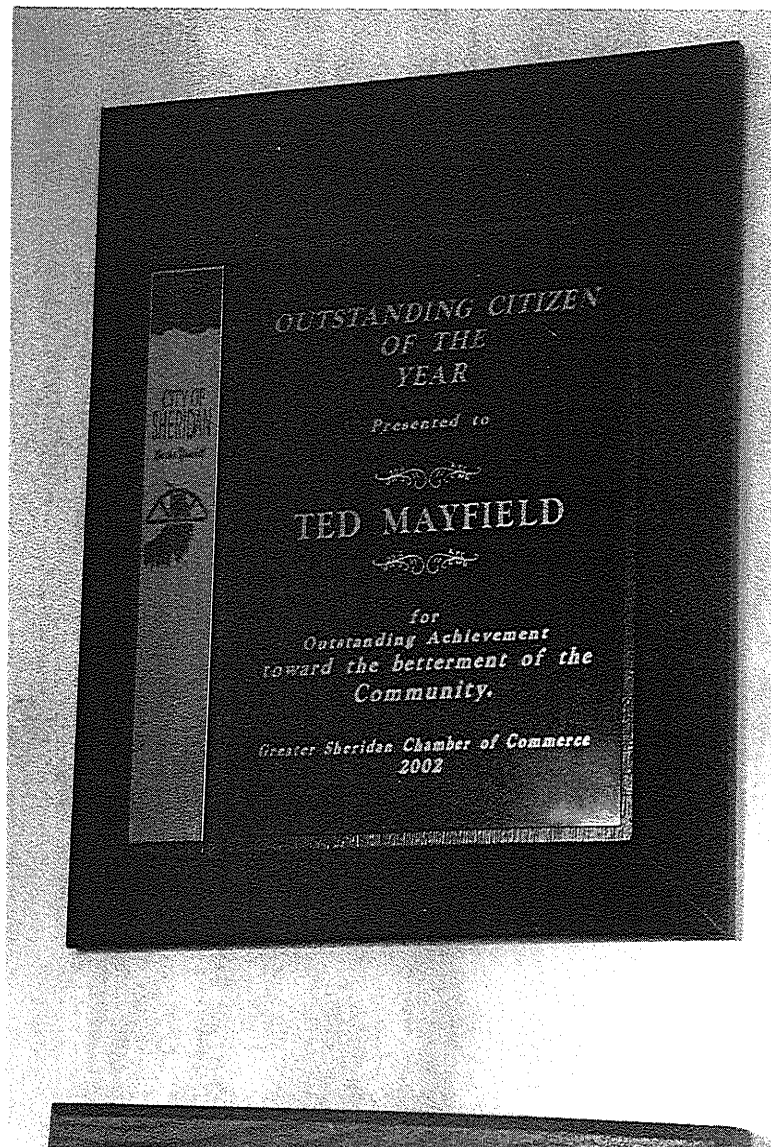
**KIWANIS CLUB OF WEST VALLEY**

GIVEN THIS 18TH DAY OF SEPTEMBER 2007

*Twila Hill*  
TWILA HILL-PRESIDENT

2006-2007

EXHIBIT D  
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## Sheridan Days 2009 Committee Members

Bob White, Chairman  
Ted Mayfield, Vice Chariman  
Wendy Bird, Secretary, Event Guide  
Karen Christiansen, Treasurer  
Patti Swift, Grand Parade  
Julie Dean, Vendor Coordinator  
Jerry Smith, Auto Show  
Cheryl Whitlow, Motorcycle Show  
Tim Ciulla, Photographer  
Jane Hensley, Historical Museum  
Donna Hulett, Quilt Show  
Scott & Teresa Weiher, Junior Parade  
Gayle Yoder, All School Reunion  
Linda Klein, Family Fun Events

Phyllis Bockes, Pancake Feed  
Margie Gutbrod, Art Show  
Tonya Mishler, Art Show  
Janet Smith, Art Show  
Ray & Opal Rice, Honored Court  
Viola Boyer, All School Reunion  
Don Stuck & Marcus Cox, Electricians  
Paul & Debi Adler, Vendors  
Tim Bliven, Music Fest  
Jerry Terry, Motorcycle Show  
Jack Martin, Website  
Marianne Thomson, Art Show, Marketing  
Marty Shaw, Transportation  
Tammy Benelli, Family Fun Events

January 14, 2010

The Honorable Michael R. Hogan  
United States Courthouse  
405 E. 8<sup>th</sup> Avenue, Suite 2100  
Eugene, Oregon 97401

Re: U.S. v. Teddy E. Mayfield  
United States District Court Case No. 09CR60021-HO

Dear Judge Hogan:


I am writing this letter to express my thoughts about my behavior that caused this criminal charge. I first want to say that I take full responsibility for my irresponsible act of flying the airplane from Eugene to Independence. I knew better and I should not have done it.

Airplanes have always been my life and only source of income. Since I closed by skydiving business in 1994, I turned to restoring and brokering small airplanes. Doing this does not require me to fly the airplanes.

I am 74 years old now and happily married to a wonderful wife. Between us we have 25 grandchildren and great-grandchildren that we love to spend time with. I have always tried to give back to my local community and involve myself in local politics, events and activities that hopefully have a positive effect on people, especially children.

I am prepared to accept and follow any condition of probation and I assure you that I will never fly another airplane unless and until I am legally able to do so. I fully realize and accept that I may never pilot an aircraft again.

I thank you for your consideration of my letter.

  
Teddy E. Mayfield

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